

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

CIVIL ACTION NO. 4:21-cv-40095

JOSEPH E. VANCELETTE, )  
Plaintiff )  
 )  
vs. )  
 )  
TOWN OF WEBSTER, )  
OFFICER PATRICK PERRY, )  
OFFICER MICHAEL R. REARDON, )  
JONATHAN BROOKS, JOSEPH REED, )  
ROBERT LAROCHELLE, JAMES HOOVER, )  
AND FORMER CHIEF TIMOTHY BENT )  
Defendants )

**DEFENDANTS', TOWN OF WEBSTER, OFFICER PATRICK PERRY, OFFICER  
MICHAEL R. REARDON, JONATHAN BROOKS, JOSEPH REED, ROBERT  
LAROCHELLE, JAMES HOOVER, AND FORMER CHIEF TIMOTHY BENT,  
ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL**

NOW COME the Defendants, Town of Webster, Officer Patrick Perry, Officer Michael R. Reardon, Jonathan Brooks, Joseph Reed, Robert Larochelle, James Hoover, and Former Chief Timothy Bent (“Defendants”), and in answer to the Plaintiff’s Complaint (“Complaint”), by the counts and paragraphs numbered therein, say:

**INTRODUCTION**

1. The Defendants deny the allegations contained in Paragraph 1 of the Complaint.
2. The Defendants deny the allegations contained in Paragraph 2 of the Complaint.

**JURISDICTION**

3. The Defendants neither admit nor deny the allegations contained in Paragraph 3 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

4. The Defendants neither admit nor deny the allegations contained in Paragraph 4 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

4.[sic] The Defendants neither admit nor deny the allegations contained in Paragraph 4 [sic] of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

5. The Defendants neither admit nor deny the allegations contained in Paragraph 5 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

6. The Defendants neither admit nor deny the allegations contained in Paragraph 6 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

6.[sic] The Defendants neither admit nor deny the allegations contained in Paragraph 6 [sic] of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

7. The Defendants neither admit nor deny the allegations contained in Paragraph 7 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

8. The Defendants neither admit nor deny the allegations contained in Paragraph 8 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

9. The Defendants neither admit nor deny the allegations contained in Paragraph 9 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

10. The Defendants admit the allegations contained in Paragraph 10 of the Complaint.

### **FACTS**

11. The Defendants neither admit nor deny the allegations contained in Paragraph 11 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

12. The Defendants neither admit nor deny the allegations contained in Paragraph 12 of the Complaint as the document referenced therein speaks for itself.

13. The Defendants admit the allegations contained in Paragraph 13 of the Complaint.

14. The Defendants neither admit nor deny the allegations contained in Paragraph 14 of the Complaint as the document referenced therein speaks for itself.

15. The Defendants neither admit nor deny the allegations contained in Paragraph 15 of the Complaint as the document referenced therein speaks for itself.

16. The Defendants neither admit nor deny the allegations contained in Paragraph 16 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

17. The Defendants neither admit nor deny the allegations contained in Paragraph 17 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

18. The Defendants neither admit nor deny the allegations contained in Paragraph 18 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

19. The Defendants neither admit nor deny the allegations contained in Paragraph 19 of the Complaint as the audio and video referenced therein speak for themselves.

20. The Defendants neither admit nor deny the allegations contained in Paragraph 20 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

21. The Defendants neither admit nor deny the allegations contained in Paragraph 21 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

22. The Defendants neither admit nor deny the allegations contained in Paragraph 22 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

23. The Defendants neither admit nor deny the allegations contained in Paragraph 23 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

24. The Defendants neither admit nor deny the allegations contained in Paragraph 24 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

25. The Defendants deny the allegations contained in Paragraph 25 of the Complaint.

26. The Defendants deny the allegations contained in Paragraph 26 of the Complaint.

27. The Defendants neither admit nor deny the allegations contained in Paragraph 27 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

28. The Defendants deny the allegations contained in Paragraph 28 of the Complaint.

29. The Defendants deny the allegations contained in Paragraph 29 of the Complaint.

30. The Defendants neither admit nor deny the allegations contained in Paragraph 30 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

31. The Defendants neither admit nor deny the allegations contained in Paragraph 31 of the Complaint as the audio and video referenced therein speak for themselves.

32. The Defendants deny the allegations contained in Paragraph 32 of the Complaint.

33. The Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34. The Defendants deny the allegations contained in Paragraph 34 of the Complaint.

35. To the extent Paragraph 35 is deemed to allege any wrongdoing against the Defendants, the Defendants neither admit nor deny the allegations contained in Paragraph 35 of the Complaint as the audio and video referenced therein speak for themselves.

36. The Defendants neither admit nor deny the allegations contained in Paragraph 36 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

37. The Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. The Defendants neither admit nor deny the allegations contained in Paragraph 38 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

39. The Defendants deny the allegations contained in Paragraph 39 of the Complaint.

40. The Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. The Defendants neither admit nor deny the allegations contained in Paragraph 41 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

42. The Defendants neither admit nor deny the allegations contained in Paragraph 42 of the Complaint as the audio and video referenced therein speak for themselves.

43. The Defendants neither admit nor deny the allegations contained in Paragraph 43 of the Complaint as the audio and video referenced therein speak for themselves.

44. The Defendants neither admit nor deny the allegations contained in Paragraph 44 of the Complaint as the audio and video referenced therein speak for themselves.

45. The Defendants neither admit nor deny the allegations contained in the first phrase of Paragraph 45. As to the remainder of Paragraph 45, the Defendants neither admit nor deny the allegations contained in Paragraph 44 of the Complaint as the audio and video referenced therein speak for themselves.

46. The Defendants neither admit nor deny the allegations in the first sentence contained in Paragraph 46 of the Complaint, as to the remainder of Paragraph 46, the Defendants neither admit nor deny the allegations as the audio and video referenced therein speak for themselves.

47. The Defendants neither admit nor deny the allegations contained in Paragraph 47 of the Complaint as the audio and video referenced therein speak for themselves.

48. The Defendants deny the allegations contained in Paragraph 48 of the Complaint.

49. The Defendants deny the allegations contained in Paragraph 49 of the Complaint.

50. The Defendants deny the allegations contained in Paragraph 50 of the Complaint.

51. The Defendants deny the allegations contained in Paragraph 51 of the Complaint.

52. The Defendants deny the allegations contained in Paragraph 52 of the Complaint.

53. The Defendants deny the allegations contained in Paragraph 53 of the Complaint.
54. The Defendants deny the allegations contained in Paragraph 54 of the Complaint.
55. The Defendants deny the allegations contained in Paragraph 55 of the Complaint.
56. The Defendants neither admit nor deny the allegations contained in Paragraph 56 of the Complaint as the audio and video referenced therein speak for themselves.
57. The Defendants admit the allegations contained in Paragraph 57 of the Complaint.
58. The Defendants admit the allegations contained in Paragraph 58 of the Complaint.
59. The Defendants neither admit nor deny the allegations contained in Paragraph 59 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.
60. The Defendants deny the allegations contained in Paragraph 60 of the Complaint.
61. The Defendants neither admit nor deny the allegations contained in Paragraph 61 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.
62. The Defendants neither admit nor deny the allegations contained in Paragraph 62 of the Complaint as the document referenced therein speaks for itself.
63. The Defendants neither admit nor deny the allegations contained in Paragraph 63 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

64. The Defendants neither admit nor deny the allegations contained in Paragraph 64 of the Complaint as the document referenced therein speaks for itself.

65. The Defendants neither admit nor deny the allegations contained in Paragraph 65 of the Complaint as the audio and video referenced therein speak for themselves.

66. The Defendants deny the allegations contained in Paragraph 66 of the Complaint.

67. The Defendants deny the allegations contained in Paragraph 67 of the Complaint.

68. The Defendants deny the allegations contained in Paragraph 68 of the Complaint.

69. The Defendants deny the allegations contained in Paragraph 69 of the Complaint.

70. The Defendants admit the allegations contained in Paragraph 70 of the Complaint.

71. The Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72. The Defendants deny the allegations contained in Paragraph 72 of the Complaint.

73. The Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74. The Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75. The Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76. The Defendants deny the allegations contained in Paragraph 76 of the Complaint.

77. The Defendants deny the allegations contained in Paragraph 77 of the Complaint.

78. The Defendants neither admit nor deny the allegations contained in Paragraph 78 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

79. The Defendants deny the allegations contained in Paragraph 79 of the Complaint.

80. The Defendants deny the allegations contained in Paragraph 80 of the Complaint.

81. The Defendants deny the allegations contained in Paragraph 81 of the Complaint.

82. The Defendants deny the allegations contained in Paragraph 82 of the Complaint.
83. The Defendants deny the allegations contained in Paragraph 83 of the Complaint.
84. The Defendants deny the allegations contained in Paragraph 84 of the Complaint.
85. The Defendants deny the allegations contained in Paragraph 85 of the Complaint.
86. The Defendants deny the allegations contained in Paragraph 86 of the Complaint.
87. The Defendants deny the allegations contained in Paragraph 87 of the Complaint.
88. The Defendants deny the allegations contained in Paragraph 88 of the Complaint.
89. The Defendants deny the allegations contained in Paragraph 89 of the Complaint.
90. The Defendants deny the allegations contained in Paragraph 90 of the Complaint.
91. The Defendants neither admit nor deny the allegations contained in Paragraph 91

of the Complaint as the document referenced therein speaks for itself.

92. The Defendants deny the allegations contained in Paragraph 92 of the Complaint.
93. The Defendants neither admit nor deny the allegations contained in Paragraph 93

of the Complaint as the document referenced therein speaks for itself.

94. The Defendants neither admit nor deny the allegations contained in Paragraph 94

of the Complaint as the document referenced therein speaks for itself.

95. The Defendants neither admit nor deny the allegations contained in Paragraph 95

of the Complaint as the document referenced therein speaks for itself.

96. The Defendants neither admit nor deny the allegations contained in Paragraph 96

of the Complaint as the document referenced therein speaks for itself.

97. The Defendants neither admit nor deny the allegations contained in Paragraph 97

of the Complaint as the document referenced therein speaks for itself.

98. The Defendants neither admit nor deny the allegations contained in Paragraph 98 of the Complaint as the document referenced therein speaks for itself.

99. The Defendants neither admit nor deny the allegations contained in Paragraph 99 of the Complaint as the document referenced therein speaks for itself.

100. The Defendants neither admit nor deny the allegations contained in Paragraph 100 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

101. The Defendants deny the allegations contained in Paragraph 101 of the Complaint.

102. The Defendants deny the allegations contained in Paragraph 102 of the Complaint.

103. The Defendants neither admit nor deny the allegations contained in Paragraph 103 of the Complaint as the document referenced therein speaks for itself.

104. The Defendants neither admit nor deny the allegations contained in Paragraph 104 of the Complaint as the document referenced therein speaks for itself.

105. The Defendants neither admit nor deny the allegations contained in Paragraph 105 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

106. The Defendants deny the allegations contained in Paragraph 106 of the Complaint.

107. The Defendants neither admit nor deny the allegations contained in Paragraph 107 of the Complaint as the document referenced therein speaks for itself.

108. The Defendants deny the allegations contained in Paragraph 108 of the Complaint.

109. The Defendants neither admit nor deny the allegations contained in Paragraph 109 of the Plaintiff's Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and leave the Plaintiff to his burden of proof.

110. The Defendants deny the allegations contained in Paragraph 110 of the Complaint.

**COUNT I**

**42 U.S.C. §1983 UNREASONABLE SEARCH, SEIZURE, AND USE OF FORCE,  
DEFENDANTS REARDON, HOOVER, REED, LAROCHELLE, PERRY, BROOKS**

111. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 110 of the Complaint and incorporate them herein by reference.

112. The Defendants deny the allegations contained in Paragraph 112 of the Complaint.

**COUNT II**

**VIOLATION OF 42 U.S.C. §1983 BY DEFENDANT BENT  
SUPERVISORY LIABILITY**

113. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 112 of the Complaint and incorporate them herein by reference.

114. The Defendants deny the allegations contained in Paragraph 114 of the Complaint.

**COUNT III**

**VIOLATION OF 42 U.S.C. §1983 BY DEFENDANT TOWN OF WEBSTER  
MONELL LIABILITY**

115. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 114 of the Complaint and incorporate them herein by reference.

116. The Defendants deny the allegations contained in Paragraph 116 of the Complaint.

**COUNT IV**

**VIOLATION OF MASSACHUSETTS CIVIL RIGHTS ACT (M.G.L. c. 12, §111)  
BY DEFENDANTS REARDON & HOOVER**

117. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 116 of the Complaint and incorporate them herein by reference.

118. The Defendants deny the allegations contained in Paragraph 118 of the Complaint.

**COUNT V**  
**ASSAULT & BATTERY**  
**HOOVER, REARDON, PERRY, BROOKS; REED, LAROCHELLE**

119. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 118 of the Complaint and incorporate them herein by reference.

120. The Defendants deny the allegations contained in Paragraph 120 of the Complaint.

121. The Defendants deny the allegations contained in Paragraph 121 of the Complaint.

**COUNT VI**  
**CONSPIRACY**  
**DEFENDANTS HOOVER, REARDON, PERRY, BROOKS, REED, LAROCHELLE**

122. The Defendants repeat and reallege their answers to the allegations contained in Paragraphs 1 through 121 of the Complaint and incorporate them herein by reference.

123. The Defendants deny the allegations contained in Paragraph 123 of the Complaint.

124. The Defendants deny the allegations contained in Paragraph 124 of the Complaint.

125. The Defendants deny the allegations contained in Paragraph 125 of the Complaint.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The defendants say that the incident as alleged in the plaintiff's complaint was not caused by any person for whose conduct the defendants are legally responsible.

**SECOND DEFENSE**

The defendants say that at the time of the alleged incident the plaintiff was guilty of a violation of the law which contributed to the alleged incident.

**THIRD DEFENSE**

The plaintiff is not entitled to recover as the complaint does not set forth a claim upon which relief can be granted.

**FOURTH DEFENSE**

The defendants say that if plaintiff was injured as alleged, such was due to the acts or negligence of another, which constitute an intervening, superseding cause and, therefore, defendants are not liable.

**FIFTH DEFENSE**

The defendants say that the plaintiff has failed to comply with the requirements of M.G.L. c. 258, §§ 2 and 4 and, as such, the Complaint must be dismissed.

**SIXTH DEFENSE**

The defendants say that it is immune from liability in this case.

**SEVENTH DEFENSE**

The defendants say that M.G.L. c. 258, § 10 precludes the imposition of liability in this case.

**EIGHTH DEFENSE**

The defendants cannot be held liable for violating the civil rights of the plaintiff as there has been no official or unofficial policy, custom, ordinance, regulation, or practice resulting in the deprivation of constitutional rights alleged.

**NINTH DEFENSE**

The defendants say that the claims alleged pursuant to M.G.L. c. 12, § 11H and I must be dismissed as there are no allegations of deprivation of constitutional and/or statutory rights by force, threat, intimidation, or coercion.

**TENTH DEFENSE**

The doctrine of qualified immunity precludes the imposition of liability.

**ELEVENTH DEFENSE**

The defendants state that any actions taken by the defendants in connection with the allegations in this complaint were justified and required by considerations of public policy, safety and law enforcement.

**TWELFTH DEFENSE**

The defendants state that at all times they acted reasonably, within the scope of their official discretion and with a good faith belief that their actions were lawful and not in violation of any clear established statutory or constitutional right of which a reasonable person would have known with regard to all matters in the complaint which bear on a state or federal question.

**THIRTEENTH DEFENSE**

The defendants state that a civil rights action against the defendants must fail since they cannot be held liable under the *respondeat superior* doctrine and the plaintiff has failed to show that the defendants caused the alleged constitutional violation.

**FOURTEENTH DEFENSE**

The defendants state that plaintiff has failed to set forth an actionable claim, pursuant to 42 USC § 1983 since the plaintiff is unable to establish that there was a deliberate indifference to the rights of its inhabitants or that the alleged deficiency is related to plaintiff's alleged injuries.

**DEMAND FOR JURY TRIAL**

The Defendants, Town of Webster, Officer Patrick Perry, Officer Michael R. Reardon, Jonathan Brooks, Joseph Reed, Robert Larochelle, James Hoover, and Former Chief Timothy Bent, hereby demand a trial by jury.

THE DEFENDANTS,  
TOWN OF WEBSTER, OFFICER PATRICK  
PERRY, OFFICER MICHAEL R. REARDON,  
JONATHAN BROOKS, JOSEPH REED,  
ROBERT LAROCHELLE, JAMES HOOVER,  
AND FORMER CHIEF TIMOTHY BENT

Dated: September 30, 2021

By *s/ Nancy Frankel Pelletier*  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants\*\* on this 30<sup>th</sup> day of September, 2021.

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*/s/ Nancy Frankel Pelletier*  
Nancy Frankel Pelletier, Esq.